

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COMMODITY FUTURES TRADING
COMMISSION

Plaintiff,

v.

MONEX DEPOSIT COMPANY, MONEX
CREDIT COMPANY, NEWPORT SERVICE
CORPORATION, LOUIS CARABINI, and
MICHAEL CARABINI,

Defendants.

Case No. 17-cv-06416

Hon. Sharon Johnson Coleman

**DECLARATION OF LOUIS CARABINI
PURSUANT TO 28 U.S.C. § 1746**

I, Louis Carabini, do hereby declare as follows:

1. The information contained in this declaration is based on my personal knowledge and experience.
2. I am the founder of Monex Deposit Company ("MDC") and Monex Credit Company ("MCC").
3. MDC is a California limited partnership that sells precious metals to, and purchases precious metals from, retail customers. MDC also buys and sells metals in the wholesale market.
4. MDC is managed by its general partner, Comco Management Corporation ("Comco"), a California corporation. I serve as the President, Chief Executive Officer and Chief Financial Officer of Comco.
5. MCC is a California limited partnership that provides financing to customers to purchase precious metals from MDC. MCC also loans commodities to customers of MDC. MCC

does not have its own employees. It is managed by the officers and directors of its general partner, Metco Management Corporation (“Metco”), a California corporation. Michael Carabini is the President and Chief Executive Officer of Metco.

6. Newport Service Corporation (“Newport”) is a California corporation that provides administrative, accounting and technology services to affiliated companies. Newport provides services for MDC and MCC among others. Michael Carabini is the President and Chief Executive Officer of Newport.

7. Newport, Comco and Metco are all owned by Madison Investments, an irrevocable trust, the situs of which is California. Michael Carabini is the trustee of Madison Investments.

8. Newport, MDC and MCC (collectively “Monex”) share office space at 4910 Birch Street, Newport Beach, California 92660. They do not maintain any other offices. All of Monex’s approximately 123 employees work out of the Newport Beach office, and reside in California.

9. Newport, MDC and MCC are **not** registered to do business in Illinois. All of their business activities are executed from California.

10. MDC buys and sells precious metals with customers through its sales representatives located in Newport Beach, California.

11. MDC has customers in every U.S. state and territory. Many of MDC’s new customers learn about the business through Monex’s website, www.monex.com.

12. MDC also currently advertises through the internet and social media, national television commercials, national print advertisements, California radio advertisements and in-person seminars. None of these seminars has ever been held in Illinois, and MDC does not

engage in Illinois-specific advertising. The advertising efforts are overseen by MDC employees in the Newport Beach office.

13. MDC account representatives do not cold-call potential customers. Account representatives only contact prospects that have solicited information from Monex and prospects that have been referred to MDC by another MDC customer, former customer or prospect.

14. MCC provides financing to MDC customers in nearly every U.S. state and territory. Approximately 20 percent of the loans issued by MCC are to customers in California. Approximately 2.75 percent of the loans issued by MCC are to customers in Illinois.

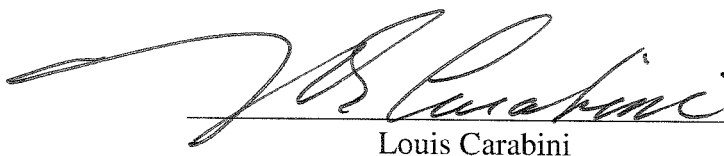
15. None of the four depository companies that have been used to store metals for Monex and/or its customers during the period covered in the Complaint store such metals in Illinois. One such depository, Farmers & Merchants Bank of Long Beach, is located in Long Beach, California, and stores such metals in Long Beach, California.

16. Monex's data servers are located at its offices at 4910 Birch Street, Newport Beach, California 92660. Monex's customer files are kept in electronic and hard copy form at the same address and at nearby local storage facilities owned by Iron Mountain.

17. MCC maintains a bank account at Harris Bank in Chicago, Illinois, for the purpose of receiving monies from Monex customers. The funds in the account are swept routinely to other Monex bank accounts outside Illinois on a weekly to monthly basis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 3, 2017


Louis Carabini